

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

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In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF No. 663, 674, 858, 1032,  
1039, 1303, 1310**

(Jointly Administered)

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In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO HIGHWAYS AND  
TRANSPORTATION AUTHORITY (“HTA”)

Debtor.

PROMESA

Title III

No. 17 BK 3567-LTS

**This Joint Motion relates only to  
HTA and shall be filed in the lead  
Case No. 17 BK 3283-LTS and Case  
No. 17 BK 3567-LTS.**

**INFORMATIVE MOTION OF AGREEMENT CONCERNING THE REQUEST  
FOR RELIEF OF STAY FILED BY HTA MANAGERIAL EMPLOYEES  
AND REQUEST FOR A TEN DAY PERIOD TO SUBMIT FINAL STIPULATION**

**COME NOW**, the Managerial Employees of the Puerto Rico Highway and Transportation Authority (“HTA”) listed in Exhibit I of the *Motion Requesting Relief From Stay* (Dckt. 663) (the “Stay Motion”),

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

hereinafter designated as the “Movants,” and the Puerto Rico Highway Transportation Authority (“HTA”), through their respective counsel and respectfully state and pray:<sup>2</sup>

1. On July 19, 2017, the Movants filed the Stay Motion, pursuant to Bankruptcy Code section 362(d)(1), requesting this Honorable Court lift the automatic stay under Bankruptcy Code section 362(a), made applicable by PROMESA section 301(a) (the “Title III Stay”), of the legal proceedings concerning employment claims filed and prosecuted against HTA by Movants before different Commonwealth judicial and administrative forums. See ECF No. 663.

2. On August 2, 2017, AAFAF, on behalf of HTA, filed an objection to the Stay Motion (ECF No. 858) (the “Objection”). In the Objection, AAFAF argued, among other things, that it needed additional time to evaluate Movants’ claims in the overall context of HTA’s Title III case. It also pointed to Movants’ failure to provide information about the status and stage of each of the 115 employment claims prosecuted by them, which have been stayed upon the commencement of HTA’s Title III case.

3. As set forth in the *Joint Motion and Stipulations Concerning the Request for Relief of Stay Filed by The HTA Managerial Employees* (ECF No. 1032, hereinafter the “Joint Motion”) filed on August 15, 2017, Movants and HTA reached an agreement to adopt a process that would allow HTA to receive particularized information on each of the claims involved in the Stay Motion and for both parties to conduct discussions in an effort to reach agreements regarding Movants’ request for relief from the stay.

4. After several extensions of the schedule agreed between the party, motivated by the conditions generated by the impact of the 2017 storms, and pursuant to the agreements, the Movants

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<sup>2</sup> The Financial Oversight and Management Board for Puerto Rico, as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to consent to this joint motion on behalf of HTA.

furnished HTA with particularized information concerning each claim included in the list attached as Exhibit 1 to the Motion, including a summary of the nature of the claim, the status and stage of the proceedings, as well as other information relevant to Sonnax factors nos. 1, 10, & 11. The information was furnished on November 30, 2017 and supplemented on January 10, 2018.

5. After the information was furnished, HTA made an analysis of the request for relief of stay for each claim. Shortly after the conclusion of this analysis, counsel for the parties met and held discussions. These discussions proved fruitful and have resulted in an agreement between the parties.

6. In general terms, the agreement will produce a joint request to this Honorable Court an entry of an order approving the modifications to the automatic stay set forth in Bankruptcy Code sections 362(a) and 922(a) (the “Title III Stay”), made applicable to the Title III cases by PROMESA section 301(a) in order to lift the stay to all actions prosecuted by the Movants as set forth in Exhibit 1 of the Motion Requesting Relief From Stay (Dckt. 663)

**WHEREFORE**, the appearing parties respectfully request this Honorable Court to take notice of the above and grant the parties a period of fifteen (15) days expiring on April 3, 2018 to file the final stipulation setting forth the detailed terms of the agreement and proposing an Order to the Honorable Court.

#### **CERTIFICATE OF SERVICE**

**COUNSEL FOR BOTH PARTIES CERTIFY** that on this date, this document has been electronically filed with the Clerk of the Court using the CM/ECF System, which will send notice to all registered participants.

**COUNSEL FOR MOVANTS** certify they have also sent a true and exact copy of this Motion via regular mail and e-mail to counsel for HTA in various of the proceedings that have been stayed pursuant to the commencement of HTA’s Title III case, including: Lcdo. Juan M. Maldonado De Jesús, Oficina del Asesor Legal ACT, P.O. Box 42007 San Juan, Puerto Rico 00940-2007 and jumaldonado@dtop.pr.gov; Carlos J. Garcia Bonilla, Oficina de Asesoría Legal ACT, PO Box 42007

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**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 19<sup>th</sup> day of March, 2018.

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